

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CHAD BLASIUS,

Plaintiff,

v.

Case No. 17-12420

ANDREW SAUL, Commissioner of
Social Security,

Defendant.

OPINION AND ORDER GRANTING PLAINTIFF'S MOTION FOR ATTORNEY'S FEES

On August 15, 2018, the court entered judgment in favor of Plaintiff Chad Blasius on his claim for disability benefits and remanded the case for further administrative proceedings. Thereafter, the court entered a stipulation and order to award Plaintiff's attorney, Jacob Bender, \$3,400 in attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. (ECF No. 27.) Plaintiff ultimately succeeded on his claims at the administrative level and was granted a retroactive award of disability benefits in the amount of \$62,362. (ECF No. 28, PageID.738.) In the instant motion, Attorney Bender now requests attorney's fees in the amount of \$5,590.50 pursuant to 42 U.S.C. § 406(b). He asserts that he will refund to Plaintiff the \$3,400 EAJA fee upon receipt of his requested fee. The Government responded to the motion and offers no objection to counsel's request, subject to counsel's agreement to refund to Plaintiff the \$3,400.00 EAJA fee. (ECF No. 29, PageID.763.) Plaintiff filed no reply.

Upon review of the briefs, and in the absence of any substantive objection by the Government, the court concludes that counsel's request is appropriate under 42 U.S.C.

§ 406(b). The court will award counsel his requested fee of \$5,590.50 subject to his stated intent to return to Plaintiff the \$3,400.00 EAJA fee. Accordingly,

IT IS ORDERED that Plaintiff's motion for attorney's fees (ECF No. 28) is GRANTED. Counsel is awarded \$5,590.50 in attorney's fees under 42 U.S.C. § 406(b) subject to the condition that he return to Plaintiff the \$3,400.00 fee previously awarded under the EAJA.

s/Robert H. Cleland /
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: May 13, 2020

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, May 13, 2020, by electronic and/or ordinary mail.

s/Lisa Wagner /
Case Manager and Deputy Clerk
(810) 292-6522

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